IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7310 OF 2007

Smt. Priti Raju Patil.... Petitioner

versus

Raju Sitaram Patil ..... Respondent.

Shri U.P.Warunjikar for the petitioner
Mr. S.A.Sawant for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 01ST OCTOBER, 2007

P.C.;

1. This Court by an order dated 3-9-2007 set aside the order passed by the Family Court granting temporary injunction restraining the wife from entering the matrimonial house and remanded the matter to the trial court for a fresh adjudication on the application at Exh.5, in the light of the observations made in the order. The statusquo was directed to be continued. After the remand, the present petitioner moved an application for witness summons to Maharashtra Woman's Commission for production of the records and proceedings. The rejection of the said application for the purpose of consideration of Exh.5 has given rise to the filing of the present petition.

2. Perused the order. The same does not call for any interference at this stage, more so when the Family Court has fixed the matter for passing orders on Exh.5. At this stage the learned counsel for the petitioner makes a limited prayer that before passing of the order on Exh.5, the Family Court should grant hearing to the petitioner, as the petitioner has not argued his case. The learned counsel for the respondent in all fairness submits that if the petitioner makes an application before passing of the order before the Family Court, the respondent shall not object to the grant of hearing by the Family Court to the petitioner. In this view of the matter no orders in that regard are necessary to be passed. It shall be open for the petitioner to raise the grounds sought to be agitated in this petition if any adverse order is passed against the petitioner by the trial court, in appropriate proceedings.

3. Parties to act on an authenticated copy of this order.

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